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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/893,260	06/27/2001	Srinivas Gutta	US010294	1858

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
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EXAMINER

NGUYEN, QUYNH H

ART UNIT PAPER NUMBER

2642

DATE MAILED: 02/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief	Application No. 09/893,260	Applicant(s) GUTTA ET AL.	
	Examiner Quynh H Nguyen	Art Unit 2642	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED _____ FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.

b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The reply was filed after the date of filing a Notice of Appeal, but prior to the date of filing an appeal brief. The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because

(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);

(b) ☐ They raise the issue of new matter (see NOTE below);

(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☒ Applicant's reply has overcome the following rejection(s): of claims 18 and 19.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: None.

Claim(s) objected to: 18 and 19.

Claim(s) rejected: 1-17.

Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: attachment.

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____

13. ☐ Other: _____.

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The November 18, 2004 Final office action section 3 contained an error.

"Applicant's arguments with respect to claims 1-19 have been considered but are moot in view of the new ground(s) of rejection." should have been -- "Applicant's arguments with respect to claims 1-19 have been considered but are not persuasive"-- Examiner apologizes about this unintentional error.

Applicant requests Examiner (remarks, page 9) to address the arguments provided by the Applicants in the April 21, 2004 Amendment. There is no Amendment filed on April 21, 2004, but rather Amendment with remarks/arguments filed July 26, 2004. Applicant argues that "Lu col. 4, lines 23-38 merely discusses an infrared detector system that may be utilized to direct and imaging camera" and "neither cited references are first appropriately combined...". Examiner respectfully disagrees. Lu teaches (col. 2, lines 9-12) that the providing image recognition method and system for identifying predetermined individual members of a viewing audience in a monitored area; and (col. 2, lines 47-60) that storing individual member's face of a viewing audience and locating individual audience members in the monitored area, and comparing the identified portion with the stored feature image signatures to identify the audience member. Examiner cited the above passages from Lu in a 35 USC 103 rejection to fill in the missing elements the use of images to identify known person from the processed image from Yacenda (primary reference).

Applicant argues that Yacenda and Lu do not disclose "the control unit processing the images to identify, from a group of known persons associated with the local environment, any one or more known persons located in the respective regions and, for each known person so identified, generating an indicium that associates the known person with the respective region in which the known person is located in response to the identified known person from the processed image". Examiner respectfully disagrees. As mentioned in the above arguments, Yacenda teaches the control unit ("locator system") for locating telephone users in the respective regions (see abstract), for each known person identified, generating an indicium that associates the known person with the respective region (col. 4, lines 29-31). Lu teaches the system and method to provide image recognition for locating individual audience members in the monitored area (col. 2, lines 9-12 and 47-60). The combination of the two references teaches the claims invention.


Applicant argues that Yacenda and Lu do not disclose "switching an incoming call to at least one detected person is located from the processed images" as required by claim 9. Examiner respectfully disagrees. Yacenda teaches

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(Fig. 24A, 1922 and co. 22, lilnes 51-55) that establishing telephone link with a telephone nearest the location of the called party.

Applicant argues that Yacenda and Lu do not disclose "identifying, from a group of known persons each associates with the local environment, any known persons in each of the number of regions ... where the desired recipient is one of the known persons identified in one of the regions in step b, connecting the incoming call to an extension servicing the respective region in which the desired recipient is located" as required by claim 10. Examiner respectfully disagrees. Yacenda teaches (col. 2, lines 27-32) that identifying the location of each individual in the local environment and routing telephone calls to the invidual at the detected location. Lu teaches (col. 2, lines 9-12 and 47-60) that capturing the individual images in the monitored area. The combination of the two references teaches the claim invention.

Similarly, the combination of the two references teaches claim 17.


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